



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE NUMBER 6-2023 BZA

COLDSTREAM COUNTRY CLUB – 400 ASBURY ROAD

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON FEBRUARY 2, 2023

APPLICANT: Craig Whitaker, MSP Design on behalf of Coldstream Country Club, property owner.

LOCATION & ZONING: 400 Asbury Road
(Book 500, Page 190, Parcel 515, 516, and 517) – “AA” Residence

REQUEST: A conditional use request for the construction of an accessory structure (sand silo) and paving of an existing partial paved/ gravel parking lot per Article 5.4, I, 14 (b) and (d) of the Anderson Township Zoning Resolution. The following variances are also requested: (1) To permit the accessory structure (sand silo) to be located in the front yard area where accessory structures are only permitted in the rear yard per Article 5.2, A, 7; and (2) To permit an accessory structure and parking lot within 100’ to a property line, and to permit the parking lot in the front yard area per Article 5.4, H, 1, d and f.

SITE DESCRIPTION:

<i>Tract Size:</i>	Approximately 190 Acres
<i>Frontage:</i>	Approximately 1,537’ on Asbury Road
<i>Topography:</i>	Rolling
<i>Existing Use:</i>	Coldstream Country Club

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	“A” Residence & “AA” Residence	Country Club/ Single Family Residence
South:	“AA” Residence	Country Club/Single Family Residence
East:	“AA” Residence	Country Club/Single Family Residence
West:	“AA” Residence	Country Club/Single Family Residence

PROPOSED DEVELOPMENT: The applicant is requesting approval of an existing accessory structure (sand silo), in the front yard area, where accessory structures are only permitted in the rear yard area per Article 5.2, A, 7 of the Anderson Township Zoning Resolution. In addition, employee parking lot improvements, changing from an existing partially paved/gravel lot with 25-30 unmarked spots, to a paved and striped lot with a capacity of 41 vehicles. Landscaping islands are included in the parking lot as well as landscaping to screen the lot and the maintenance building to Asbury Road.

HISTORY: Coldstream Country Club was established in 1960 and has had seven requests before the BZA.

The first, Case 27-95 BZA, allowed for the construction of the existing pool building within the 100' setback requirement.

The next two, Case 12-96 BZA and Case 14-97 BZA, allowed for the construction of other additional buildings within the 100' setback requirement.

Case 5-2010 BZA allowed the construction of two stone entry columns.

Case 9-2016 BZA permitted the replacement of an existing 1,960sqft. swimming pool, diving well, baby pool, and associated shade structure with a new swimming pool with attached diving area, detached baby pool, and associated shade structure, and to relocate the existing children's play equipment. A new indoor golf training facility for year-round practice was also approved with this request. A third request in Case 9-2016 BZA for the installation of three new platform tennis courts was denied by the BZA.

Case 11-2017 BZA allowed the construction of two platform tennis courts within the 100' setback requirement.

Case 15-2022 BZA allowed the installation of an additional platform tennis court, accessory structure, and an awning addition over an existing deck.

On August 2nd, 2022 Township staff received a complaint regarding general upkeep of the maintenance area and a silo installed without a permit. Township staff contacted Coldstream Country Club personnel inquiring about the sand silo to determine if it needed a zoning certificate or building permit and to ask if better screening had been considered for this area from Asbury Road.

On August 5th, 2022 Township staff met with Leilani Sivsov, COO of Coldstream Country Club, to inspect the area. She stated she would provide plans for the area. It was later determined that a building permit would not be required, however Township zoning required a conditional use hearing for structures that had been installed (such as the silo) and any near future projects.

CONDITIONAL USE FINDINGS:

To authorize by the grant of a special zoning certificate after public hearing, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The finding shall be based upon the general considerations set forth in Article 2.12, D, 8 as well as the designated specific criteria for specific uses (Country Clubs and Golf Course) contained in Article 5.4, I, 14, b and d.

General Considerations in Article 2.12, D, 8

Spirit and Intent: The proposed use and development would comply with the spirit and intention of the Zoning Resolution and with District purposes by meeting the conditional use standards.

No Adverse Effect: The proposed parking lot and existing sand silo would not have an adverse effect upon adjacent property, or the public health, safety, and general welfare. The applicant has indicated that the property's "grounds maintenance building" is used to store equipment, materials, work areas, and personnel. The sand silo was added to protect and facilitate use of specialized sand needed for the golf course. While the sand silo is very visible from Asbury Road, the dense landscaping screen, once matured, will help shield this structure, the maintenance building, and the parking lot improvement to the south. The parking lot improvement will pave the lot with asphalt, add landscaping islands, and stripe the lot, which currently is part gravel (not permitted for parking must be a hard dust-free surface) and is not striped (also required). These improvements, while in the front yard area, would improve current circumstances and not have an adverse effect on nearby residences given the long distances to these residences, as well as clean up the area when you are driving by on Asbury.

Protection of Public Services: The proposed parking lot and existing sand silo will respect natural, scenic, and historic features of significant public interest. The applicant will be installing dense landscaping along the property line which will help shield the view of the sand silo and new parking lot improvement from Asbury Road. Additionally, the nearest residences are over 1000' away.

Consistent with Adopted Township Plans:

The conditional use is in accordance with the following areas of the Township's Comprehensive Plan:

The project is consistent with the following initiative in the "Quality of Place" chapter in the 2022 Comprehensive Plan, which states:

"What a development looks like and how it is constructed are key components to the visual appeal of a community. The Township has been committed to enhancing its visual landscape"

"This can contain a range of elements including...improving the quality of building design and materials...reducing number of parking lots and their visibility from the street"

While this would not be reducing the number of parking lots, it would be completing much needed improvements to a current non-compliant parking lot as well as screening its visibility from the street with dense landscaping. Staff believes that the existing sand silo and parking lot improvements are consistent with this use classification (for country clubs and golf courses).

Specific Criteria in Article 5.4, I, 14, b and d

Recreation, Private or Public Community Facility: **b. Country clubs** – (d), (f), (g), (h), (n), (o,ii), (p,ii), (s), (y) and **d. Golf course** – (b), (d),(f), (h), (p,iii), (s), (x)

(b) Site shall contain a minimum of 20 acres. – Compliant – The site in total has approximately 190 acres.

(d) Any structure (except fences), parking area, or storage area shall be setback at least 100 feet from every property line. – Non-compliant (Sand Silo) – The country club sits on several parcels, all of which are country club/golf course uses. The closest residential house is more than 100 feet from the property lines of these particular parcels. The current location of the sand silo is approximately 8.03ft. from the Asbury Road right-of-way.

—Non-conforming – (Parking Area) – the existing parking areas on the site have been in place prior to the conditional use standards for a country club/golf course.

f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district. – Non-conforming – The country club currently has multiple parking areas in the front yard setback throughout the property. The existing gravel lot has been at this location for over 30 years.

g. Use shall have direct access to a collector or arterial street. — Compliant – access to Asbury Road.

h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. — Compliant – The addition of landscaping along Asbury Road will help screen vehicular use from surrounding properties. Also, the paving improvement to the existing gravel parking lot will reduce the amount of dust in the air and dust brought onto Asbury Road.

n. The architectural design and site layout of the structure and the location, nature, and height of any walls, screens, and fences are to be compatible with adjoining land uses and the residential character of the neighborhood. — Compliant- with over 160 acres, the current location of the parking lot and sand silo is what works best for the site, maintenance facilities, in order to be able to reach both sides of the golf course across Asbury Road. Though the sand silo is approximately 8 ft from the Asbury Road right-of-way, the appearance and

color of the structure allow it to blend in with the vegetation along Asbury Road.

o. Landscaping shall be installed in accordance with one of the following buffers
ii. Boundary Buffer of 20 feet with 2.8 canopy trees and 8 shrubs at per 100 l.f. —

Complaint- the applicant has provided a landscaping plan demonstrating compliance with the requirements.

p. Signage shall be regulated as follows:

ii. One sign permitted subject to sign standards in Article 5.5, F,3. — Compliant-
no new signage proposed.

iii. Subject to sign standards in Article 5.5,F,4. — Compliant- no new signage
proposed.

s. All exterior lighting shall be directed away from adjacent residential properties.
—Compliant- no exterior changes to lighting proposed.

x. Meals shall be served only to guests or residents of the facility and not to the general public. — Compliant — meals only served to country club members and guests.

y. The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract. — Compliant — The existing use of the site has been a country club for approximately 60 years. The parking lot and sand silo are an extension of the current use of the property.

VARIANCE FINDINGS: Variance A (Sand Silo Variance Request)

Staff is of the opinion that the variance is not substantial. While the accessory structure is located in the front yard area (existing and constructed without a zoning certificate), the sand silo will be screened by dense landscaping along Asbury Road when it grows to maturity. This landscaping would also screen the maintenance buildings and staff parking lot. Its current location is the only viable option because of the existing structures, site topography, and considering ease of use for maintenance crew.

The essential character of the neighborhood would not be altered, and adjoining properties would not suffer a substantial detriment as a result of the variance. The property is zoned A residence; however, Coldstream Country Club predates the Township's conditional use standards, and aspects of the property zoning are non-conforming. The existing sand silo, while very visible from Asbury Road and located 8.03' from the front property line, is not in close proximity to a residence as the nearest residences are over 1000' away. The applicant is proposing landscape screening along the property line and Asbury Road to help screen the

sand silo, maintenance building, and parking lot to the south. This landscape screening will aid in keeping with the character of the area surrounding it which has much foliage and greenery.

The variance would not adversely affect the delivery of governmental services.

The property owner's predicament could not be feasibly obviated through some method other than a variance. While this structure could in theory be placed somewhere else on the 190 acres, it would not be feasible to have it located elsewhere considering the current location of the maintenance building. The applicant stated that the sand silo needs to be accessible to the Grounds Maintenance building to allow delivery and dispensing of the sand.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance. While the accessory structure is located in the front yard, there is no other feasible area where a sand silo can be built because of the existing conditions of the site. In addition, because the sand silo will be screened by dense landscaping when it grows to maturity and long distances to surrounding residences, the variance is not substantial and the essential character of the neighborhood would not be altered.

Variance B (Employee Parking Lot Variance Request)

Staff is of the opinion that the variance is not substantial. The site currently has a partially paved parking lot which can park 25-30 vehicles without marked spots. There is currently gravel in part of the parking lot which vehicles are not permitted to park on—must be a hard dust free surface. Given that there is already a non-compliant parking lot here, the improvements of it being paved, adding landscaping islands, and a dense landscaping screen between the fence and the parking lot, would bring the parking lot closer to compliance with the exception of it being less than 100' to the property line.

The essential character of the neighborhood would not be altered, and adjoining properties would not suffer a substantial detriment as a result of the variance. The proposed parking lot improvements are for the employee parking lot for the Coldstream Country Club and golf course which predates current conditional use standards. The parking lot improvements will include: asphalt, 4 landscaping islands, and striping to allow approximately 41 vehicles to use the parking area. Also, the applicant is proposing dense landscape screening along the property line and Asbury Road to help screen the parking lot. As stated in the previous variance findings there is also over 1000' to the nearest residence, so because of this and that the parking lot will be screened, the proposed parking lot improvements will not alter the character of the neighborhood or area.

The variance would not adversely affect the delivery of governmental services.

The property owner's predicament could not be feasibly obviated through some method other than a variance. Given the location of the maintenance facilities and the existing location of the staff parking area make it the only viable option.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance. The improvements will bring the parking lot closer to compliance with the exception of it being less than 100' to the property line. While it is less than 100' to the property line, the dense landscape screening and long distances to surrounding residences, reason that the variance is not substantial and the essential character of the neighborhood would also not be altered.

**STANDARDS TO
BE CONSIDERED:**

The aforementioned conditional use request should be evaluated on the following criteria from Article 5.4 of the Zoning Resolution:

Specific Criteria in Article 5.4, I 14 b and d

Recreation, Private or Public Community Facility: **b. Country clubs** – (d), (f), (g), (h), (n), (o,ii), (p,ii), (s), (y) and **d. Golf course** – (b), (d),(f), (h), (p,iii), (s), (x)

In determining whether to grant a special zoning certificate, the Board shall consider and apply the following standards:

- 1) Spirit and intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with purposes.
- 2) No adverse affect; the proposed use and development shall not have an adverse affect upon adjacent property, or the public health, safety and general welfare.
- 3) Protection of public services: the proposed used and development should respect, to the greatest extent practicable, any natural, scenic and historic features of significant public interest.
- 4) Consistent with adopted plans; the proposed use and development shall, as applicable, be harmonious with and in accordance with the general objective of the Township's comprehensive plan and/or Zoning Resolution.

The aforementioned variance requested should be evaluated on the following criteria:

- (1) The property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- (2) The variance is substantial.

- (3) The essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- (4) The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage).
- (5) The property owner purchased the property with knowledge of the zoning restrictions.
- (6) The property owner's predicament can be feasibly obviated through some method other than a variance.
- (7) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Disclaimer: This staff recommendation is based on the facts known to the author at the time the recommendation was made. Staff attempted to use those known facts to analyze the relationship of those facts to the standards set forth in the Zoning Resolution for the particular issue and property before the BZA, and in keeping with past decisions of the BZA. The BZA members have an obligation to consider all of the evidence that is entered into this case during the BZA hearing through the sworn testimony of the witnesses, as well as the documents submitted as part of the witnesses' testimony. The staff recommendation should be considered as part of the evidence before you. The Zoning Resolution empowers the BZA to make reasonable interpretations of the Zoning Resolution, to judge the credibility and reliability of the witnesses, and to decide each case based on the evidence presented during the BZA hearing process.